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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,683	11/21/2001	Richard Ormson	016778-0439	9711

22428 7590 03/29/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/989,683

**Applicant(s)**

ORMSON ET AL.

**Examiner**

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-10,12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-10,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

#### **Period Re-started**

1. The previous action inadvertently contained rejections of claims 19-21, therefore this action is being re-mailed and the period for response re-started.

#### **Allowability Withdrawn**

2. The indicated allowability of claims 1,3,4,5,8-10,12,14, is withdrawn in view of the newly discovered reference(s) to Hoeksma. Rejections based on the newly cited reference(s) follow.

#### **Specification**

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### **Claim Rejections - 35 USC § 103**

4. Claims 1,3,4,8-10,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al (US 6,751,487) in view of Hoeksma (US 6,271,835).

Consider claim 1. Rydbeck teaches a mobile communications device comprising:  
a main display area for displaying information to a user, said main display area never operating as a touch sensitive display area (*Rydbeck see figures 7A, 11A, note that as described on column 5, line 45 – column 6, lines 24 , only areas 25t are touch sensitive, therefore the main display is never used as a touch sensitive area*);

a keypad for user data entry (*Rydbeck teaches a keypad in addition to a touch screen see column 1, lines 30-35, 60-66, note also that Rydbeck teaches the keypad*

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*comprising the touch sensitive area for use with the mechanical contact keys as described on column 6, lines 1-25) , and*

a touch sensitive display area configured to allow selection of one or more functions by contact with the one or more function keys of the touch sensitive display area wherein the main display area and touch sensitive display area are each part of a single display (*Rydbeck see Figures 11A and B, 125, see column 6, lines 1-24, note that the touch sensitive areas and main display are part of the single display*).

Rydbeck lacks a teaching of the touch sensitive area displaying the function, and being arranged between the main display area and the keypad.

Hoeksma teaches a touch sensitive part of a display which displays the function which is arranged between the main display and the keypad (*Hoeksma see figure 2, Done, Tab and Back functions being between the keys and the display*).

It would have been obvious to one of ordinary skill in the art to have the function buttons (and key pad keys) display their function in order to allow the user to utilize the device when the flip was in the opened position.

As to claim 3, Rydbeck in view of Hoeksma as applied to claim 1, teaches wherein the touch sensitive display area has a mask to show the one or more function keys as separate keys (*Rydbeck teaches the flip having key guides which function as a mask for the touch sensitive areas see Figures 11A and B, 125, see column 6, lines 1-24*).

As to claim 4, Rydbeck teaches that the device is a mobile telephone (*Rydbeck see column 1, lines 10-20*).

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As to claim 8 Rydbeck in view of Hoeksma as applied to claim 1 teaches a mask that is separate from and overlies the touch sensitive display area to show the one or more function keys as separate keys (*Rydbeck teaches the flip having key guides which function as a mask for the touch sensitive areas see Figures 11A and B, 125, see column 6, lines 1-24*).

As to claim 9, Rydbeck teaches that the device is a mobile telephone (*Rydbeck see column 1, lines 10-20*).

As to claim 10, Rydbeck in view of Hoeksma as applied to claim 1, teaches wherein said one or more function keys have a variable function depending on the information shown on the main display area said one or more function keys being identified by a corresponding one or more labels displayed on the touch sensitive display area (*Hoeksma see column 3, lines 50-65*).

As to claim 12, Rydbeck in view of Hoeksma as applied to claim 1, teaches wherein at least one of said one or more function keys has a variable function depending on the information shown on the main display area, and said at least one function key being variably labeled on said touch sensitive display area by a variable label displayed on the touch sensitive display area corresponding to said variable function, said label not appearing on said main display area (*Hoeksma see column 3, lines 50-65*).

As to claim 14, Rydbeck teaches the touch sensitive display area is arranged adjacent to the keypad (*Rydbeck teaches the key pad being located on the rear, which is "adjacent" or nearby the front touch screen, see column 1, lines 30-35, 60-66*).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck in view of Hoeksma and in view of Barvesten (US 6,714,802).

As to claim 5, Rydbeck in view of Hoeksma as applied to claim 4 lacks a teaching of wherein the device is a WAP mobile telephone.

Barvesten teaches that use of the WAP protocol allows browsing the internet (*Barvesten see especially column 6, lines 1-15*). It would have been obvious to one of ordinary skill in the art to modify Rydbeck in view of Hoeksma to use the WAP protocol in order to allow the user to browse the Internet.

#### **Allowable Subject Matter**

6. Claims 15-21 are allowed.

Consider claim 15. The nearest prior art as shown in Rydbeck and Hoeksma fails to teach the mobile communication device wherein a touch sensitive area configured to display one or more function keys has a mask to show the one or more user input options as separate keys.

Claim 19 is allowed for the reasons presented in the previous action.

#### **Response to Amendment**

7. Applicant's arguments with respect to claims 1,3,4,5,8-10,14, have been considered but are moot in view of the new ground(s) of rejection.

8. Since this is a new rejection based on new art, this action is not being made final.

***Conclusion***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177/4711.

11. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

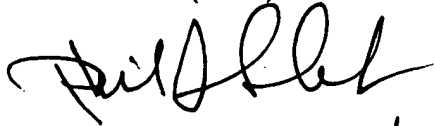
Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHILIP J. SOBUTKA  
PATENT EXAMINER

3/27/07

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